

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**TAJM, LLC d/b/a MIKE LAWS
PERFORMANCE**

Plaintiff,

v.

**SUNSET PERFORMANCE ENGINES,
L.L.C.**

Defendant.

Civil Action No. 4: 23-cv-1066

JURY TRIAL REQUESTED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff TAJM, LLC d/b/a Mike Laws Performance (“Laws Performance” or “Plaintiff”) files this Complaint for utility patent and design patent infringement under 35 U.S.C. § 271 against Sunset Performance Engines, L.L.C. (“Sunset” or “Defendant”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement, arising from Sunset’s infringement of utility and design patents owned by Laws Performance, as set forth below.

PARTIES

2. Laws Performance is a limited liability company organized and existing under the laws of the State of Florida, and maintains its principal place of business at 944 Deltona Blvd. 5421, Deltona, Florida 32725.

3. On information and belief, Sunset is a limited liability company organized and existing under the laws of the State of Texas, and maintains a place of business at 27633 W. U.S. Highway 82, Sherman, Texas, 75092.

4. On information and belief, Defendant's Registered Agent for service of process is Spencer B. Benson, at 2901 Overland Trail Suite 150, Sherman, Texas 75092.

JURISDICTION AND VENUE

5. Plaintiff's causes of action arise under the Patent Act, 35 U.S.C. §§ 101 et seq. Accordingly, this Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331, 1338 and 1367.

6. This Court has personal jurisdiction over Defendant. Defendant is formed in and has its principal place of business in the State of Texas and within this district and division, including at its principal address at 2901 Overland Trail Suite 150, Sherman, Texas 75092.

7. Venue is proper in this Court pursuant to 28 U.S.C. §1400 because Defendant resides and may be found in this district and a substantial part of the events giving rise to the causes of action occurred within this district and division.

FACTUAL BACKGROUND

8. Laws Performance is the owner by assignment of United States Design Patent D748,149, entitled "Carburetor" (the '149 Patent).

9. The '149 Patent issued on January 26, 2016 from patent application serial number 29/476,105, filed by inventor James M. Laws on December 11, 2013. A true and correct copy of the '149 Patent is attached hereto as Exhibit A.

10. The '149 Patent is directed to the shape of a carburetor body, as shown in Figures 1-8 thereof.

11. The unique and novel carburetor body design shown in and claimed by the '149 Patent incorporates dual openings. The carburetor body is designed to be mounted to a dual-blade throttle body in a primary and secondary arrangement. A carburetor of this type is often referred to as a "twin blade" carburetor.

12. The '149 Patent was assigned to Plaintiff Laws Performance by nature of an assignment executed on or about July 13, 2015 and recorded with the U.S. Patent and Trademark Office on or about July 21, 2015.

13. The '149 Patent is valid and enforceable in all respects.

14. Laws Performance is the owner by assignment of United States Utility Patent 10,036,357, entitled "Fuel Jet Tube and Related Methods" (the '357 Patent).

15. The '357 Patent issued on July 31, 2018 from patent application serial number 14/824,844, filed by inventor James M. Laws on August 12, 2015. A true and correct copy of the '357 Patent is attached hereto as Exhibit B.

16. The claims of the '357 Patent are directed to various embodiments of a "fuel tube system." The claimed fuel tube systems comprise multiple tube portions adjacent to one another, each such tube portion having an outer diameter.

17. The '357 Patent was assigned to Plaintiff Laws Performance by nature of an assignment executed on or about September 23, 2015 and recorded with the U.S. Patent and Trademark Office on or about September 24, 2015.

18. The '357 Patent is valid and enforceable in all respects.

19. Upon information and belief, Sunset makes, uses, offers for sale and/or sells racing engines.

20. Upon information and belief, Sunset uses, offers for sale and/or sells racing carburetors.

21. Upon information and belief, Sunset uses, offers for sale and/or sells fuel jet tubes for racing carburetors.

22. On information and belief, Sunset promotes its racing engines and carburetors via its website, traditional media outlets and social media accounts, including but not limited to Facebook, Instagram and YouTube.

23. Upon information and belief, Sunset has been using, offering for sale and/or selling carburetors and fuel jet tubes sourced from Get'M Performance Products LLC, of Alvaton, Kentucky ("Get'M Carburetors").

24. Upon information and belief, Sunset has also been making, using, offering for sale and/or selling engines incorporating Get'M Carburetors.

25. Upon information and belief, Sunset has also been using, offering for sale and/or selling fuel jet tubes sourced from Get'M Performance Products LLC ("Get'M Fuel Jet Tubes").

26. Upon information and belief, at least a portion of the Get'M Carburetors used, offered for sale and/or sold by Sunset incorporate a twin-blade style carburetor body that infringes the claim of the '149 Patent.

27. Upon information and belief, at least a portion of the Get'M Carburetors used, offered for sale and/or sold by Sunset incorporate fuel jet tubes that infringe at least one claim of the '357 Patent.

28. Upon information and belief, some or all of the Get'M Fuel Jet Tubes used, offered for sale and/or sold by Sunset infringe one or more claims of the '357 Patent.

**COUNT I:
INFRINGEMENT OF UNITED STATES DESIGN PATENT D748,149
UNDER 35 U.S.C. § 271**

29. Laws Performance incorporates by reference the allegations of the preceding paragraphs as if fully set forth herein.

30. On information and belief, Sunset has made, used, offered for sale and/or sold engines and/or carburetors incorporating one or more inventions claimed under U.S. Design Patent D148,149.

31. The making, using, offering for sale and selling of engines and/or carburetors incorporating the claimed inventions of the '149 Patent has been done without the license or permission of Laws Performance, and thus constitutes patent infringement under 35 U.S.C. 271.

32. Upon information and belief, Sunset's infringement of the '149 Patent has been conducted with knowledge of the '149 Patent and has been done deliberately and willfully.

33. Laws Performance is entitled to appropriate remedies for Sunset's infringement of the '149 Patent.

**COUNT II:
INFRINGEMENT OF UNITED STATES UTILITY PATENT 10,036,357
UNDER 35 U.S.C. § 271**

34. Laws Performance incorporates by reference the allegations of the preceding paragraphs as if fully set forth herein.

35. On information and belief, Sunset has made, used, offered for sale and/or sold engines, carburetors and/or fuel jet tubes incorporating one or more inventions claimed under U.S. Utility Patent 10,036,357.

36. The making, using, offering for sale and/or selling of engines, carburetors and/or fuel jet tubes incorporating the claimed inventions of the '357 Patent has been done without the

license or permission of Laws Performance, and thus constitutes patent infringement under 35 U.S.C. 271.

37. Upon information and belief, Sunset's infringement of the '357 Patent has been conducted with knowledge of the '357 Patent and has been done deliberately and willfully.

38. Laws Performance is entitled to appropriate remedies for Sunset's infringement of the '357 Patent.

DEMAND FOR JURY TRIAL

39. Laws Performance hereby demands a trial by jury for all claims so triable.

PRAYER FOR RELIEF

WHEREFORE, Laws Performance respectfully requests that this Court enter judgment in its favor as follows:

- a. A judgment in favor of Laws Performance that Defendant has infringed the '149 Patent;
- b. A judgment in favor of Laws Performance that Defendant has infringed the '357 Patent;
- c. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith, from infringement of the '149 Patent;
- d. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith, from infringement of the '357 Patent;

- e. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the '149 Patent as provided under 35 U.S.C. § 284;
- f. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the '357 Patent as provided under 35 U.S.C. § 284;
- g. An award to Plaintiff for enhanced damages resulting from the knowing and deliberate nature of Defendant's prohibited conduct with notice being made at least as early as the service date of this complaint, as provided under 35 U.S.C. § 284;
- h. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees;
- i. A judgement and order requiring Defendant to disgorge all profits on engines infringing the '149 Patent as provided in 35 U.S.C. § 289; and
- j. Any and all other relief to which Plaintiff may show itself to be entitled.

Dated: December 4, 2023

Respectfully submitted,

/s/ Kenneth T. Emanuelson

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